

**MINUTES OF THE
SENATE BUSINESS AND LABOR
STANDING COMMITTEE**

Monday, March 6, 2017 • 2:00 p.m. • 215 Senate Building

Members Present:

Sen. Curtis S. Bramble, Chair
Sen. Gene Davis
Sen. Daniel Hemmert
Sen. Don L. Ipson
Sen. Karen Mayne
Sen. Todd Weiler

Members Absent:

Sen. Ralph Okerlund
Sen. Jerry W. Stevenson

Staff Present:

Ms. M'kynzi E. Newbold, Policy Analyst
Ms. Karen Allred, Standing Committee
Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at le.utah.gov.

Acting Chair Hemmert called the meeting to order at 2:11 p.m.

MOTION: Sen. Weiler moved to approve the minutes of March 3, 2017. The motion passed with a vote of 3-0-5.

Yeas:

Sen. D. Hemmert
Sen. K. Mayne
Sen. T. Weiler

Nays:

Abs:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Ipson
Sen. R. Okerlund
Sen. J. Stevenson

1. 1st Sub. H.B. 97 Alcohol Beverage Control Operations Amendments (*Eliason, S.*)

MOTION: Sen. Weiler moved to amend 1st Substitute H.B. 97 with Amendment #1.

1. *Page 1, Lines 15 through 17:*

15 ▶ creates and provides funding for the Operations Investigation Program to { -
covertly
16 ~~observe~~} **engage in undisclosed observation** and evaluate customer contacts
with the Department of Alcoholic Beverage
17 Control;

2. *Page 8, Lines 229 through 239:*

229 { ~~(1) "Covert observation" or "covertly observe" means an act taken by the~~

program to
230 directly observe and evaluate the service offered by a subject store without the
knowledge of
231 the subject store.
232 ~~— (2) }~~ (1) "Interaction" means an individual act under the program to ~~—~~
covertly observe } engage in the undisclosed observation of a
233 subject store in a manner authorized by this part.
234 { ~~— (3)~~ (2) "Program" means the Operations Investigation Program created
under Section
235 63J-4-703.
236 { ~~— (4)~~ (3) "Subject department" means the Department of Alcoholic
Beverage Control.
237 { ~~— (5)~~ (4) "Subject store" means a store created under Title 32B, Chapter
2, Part 5, State
238 Store, by the Alcoholic Beverage Control Commission.

(5) "Undisclosed observation" means an act taken by the program to directly
observe and evaluate the service offered by a subject store without the knowledge of
the subject store.

239 Section 5. Section **63J-4-703** is enacted to read:

3. Page 9, Line 247:

247 (1) The executive director shall ensure that the program, through { ~~—covert~~ =
undisclosed observation,

4. Page 9, Line 265:

265 { ~~—covertly observe~~ engage in undisclosed observation and evaluate each
subject store's performance.

5. Page 9, Line 272:

272 (i) shall ensure that the program { ~~—covertly~~ observes by undisclosed
observation the customer service offered by each

6. Page 10, Line 274:

274 (ii) may also authorize the program to { ~~—covertly~~ observe by undisclosed

observation the customer service offered by

7. Page 10, Lines 277 through 279:

277 (b) The executive director may authorize the program to { ~~covertly~~ record an
interaction without disclosing the recording .

278 (c) The executive director may not authorize the program to purposely { ~~covertly~~
~~observe~~ } engage in undisclosed observation

279 or record a direct interaction between a subject store and another person unless the person
is

The motion passed with a vote of 4-2-2.

Yeas:

Sen. C. Bramble
Sen. D. Hemmert
Sen. D. Ipson
Sen. T. Weiler

Nays:

Sen. G. Davis
Sen. K. Mayne

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

Sen. Bramble assumed the chair.

Rep. S. Eliason explained the bill.

Mr. Sal Petilos, Director, Utah Department of Alcoholic Beverage Control, spoke in favor of the bill.

MOTION: Sen. Weiler moved to pass 1st Substitute H.B. 97, as amended, out favorably.
The motion failed with a vote of 2-4-2.

Yeas:

Sen. C. Bramble
Sen. T. Weiler

Nays:

Sen. G. Davis
Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

**2. 1st Sub. H.B. 273 Construction Trades Licensing Penalty Periods Amendments
(Ray, P.)**

Rep. P. Ray explained the bill.

Mr. Taz Biesinger, Utah Home Builders Association, spoke to the bill.

MOTION: Sen. Mayne moved to pass 1st Substitute H.B. 273 out favorably. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

MOTION: Sen. Mayne moved to place 1st Substitute H.B. 273 on the Consent Calendar. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

3. 3rd Sub. H.B. 115 Solid Waste Revisions (*McKell, M.*)

MOTION: Sen. Hemmert moved to replace 3rd Substitute HB 115 with 4th Substitute H.B. 115. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

Rep. M. McKell explained the bill.

Ms. Heather Anderson, Special Service Districts, spoke in favor of the bill.

MOTION: Sen. Ipson moved to pass 4th Substitute H.B. 115 out favorably. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

4. H.B. 376 Landlord-tenant Rights (*Dunnigan, J.*)

Rep. J. Dunnigan presented the bill with the assistance of James H. Dean, attorney.

Mr. Zach Meyers, attorney, spoke in opposition to the bill.

Mr. Mike Ostermiller, Utah Association of Realtors, spoke in favor of the bill.

MOTION: Sen. Ipson moved to pass H.B. 376 out favorably. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

5. 1st Sub. H.B. 415 Incorporation Filing Amendments (*Westwood, J.*)

Rep. J. Westwood explained the bill.

Mr. Justin Lee, Lt. Governor's Staff, spoke in favor of the bill.

MOTION: Sen. Ipson moved to pass 1st Substitute H.B. 415 out favorably. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

6. 1st Sub. H.B. 171 Securities Exemptions Amendments (*Greene, B.*)

Rep. B. Greene explained the bill.

Mr. Keith Woodwell, Utah Division of Securities, spoke to the bill.

MOTION: Sen. Hemmert moved to pass 1st Substitute H.B. 171 out favorably. The motion failed with a vote of 1-5-2.

Yeas:

Sen. D. Hemmert

Nays:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Ipson
Sen. K. Mayne
Sen. T. Weiler

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

Sen. Hemmert assumed the chair.

7. S.B. 236 Motor Vehicle Franchise Amendments (*Okerlund, R.*)

Sen. Bramble presented the bill, on behalf of Sen. Okerlund, with the assistance of Mr. Craig Bickmore, New Car Dealers of Utah.

MOTION: Sen. Davis moved to refer S.B. 236 to the Legislative Management Committee to include on the master list for Interim study. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

MOTION: Sen. Davis moved to adjourn. The motion passed with a vote of 6-0-2.

Yeas:

Sen. C. Bramble
Sen. G. Davis
Sen. D. Hemmert
Sen. D. Ipson
Sen. K. Mayne
Sen. T. Weiler

Nays:

Abs:

Sen. R. Okerlund
Sen. J. Stevenson

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Acting Chair Hemmert adjourned the meeting at 3:40 p.m.

Sen. Curtis S. Bramble, Chair